

1998

STATE OF NEBRASKA

Regulations Relating to:

**DRUG AND ALCOHOL TESTING
IN THE WORKPLACE**

TITLE 177 NAC 6

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

Department of Health and Human Services Regulation and Licensure



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TITLE 177 - NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION
AND LICENSURE

CHAPTER 6 - RULES AND REGULATIONS RELATING TO DRUG AND ALCOHOL TESTING IN

THE WORKPLACE

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Source: Nebraska Revised Statutes, Sections 48-1902, 48-1903, and 60-6,201.

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001 PRELIMINARY SCREENING WITH BREATH TESTING DEVICES.

001.01 The following scientific testing is approved by the Department of Health and Human Services Regulation and Licensure as equivalent to the Intoxilyzer Model 4011AS, when operated in accordance with the techniques as set forth in 177 NAC 1 for a respective breath testing device, and including the provisions for maintenance calibration, verification, and repair of the devices.

001.01A Infrared absorption analysis using the Intoxilyzer Model 4011AS. Checklist technique as found in Attachment 3, attached and incorporated herein by reference, is approved for this method.

001.01B Infrared absorption analysis using the Intoximeter Model 3000. Checklist technique as found in Attachment 13, attached and incorporated herein by reference, is approved for this method.

001.01C Infrared absorption analysis using the Intoxilyzer Model 5000. Checklist technique as found in Attachment 15, attached and incorporated herein by reference, is approved for this method.

001.02 Preliminary screening procedures are not limited to the devices and techniques listed above in 001.01. Preliminary screening devices and techniques which may be used are listed below.

001.02A Fuel cell devices which provide a numerical read-out of the breath alcohol content listed in part 008.04 of 177 NAC 1, and meet part 002.05 of 177 NAC 1 are approved devices.

001.02B Infrared absorption devices which provide a numerical read-out of the breath alcohol content and meet part 002.05 of 177 NAC 1 are approved devices.

002 BREATH SAMPLE CONFIRMATION TESTING OF A POSITIVE FINDING OF ALCOHOL IN A PRELIMINARY SCREENING PROCEDURE.

002.01 The breath-testing device, Intoxilyzer 4011AS, or scientific testing equivalents, which may be used for breath sample confirming tests are listed in subsection 001.01. Other breath-testing devices as approved in 177 NAC 1, parts 002.05 and 007.04 are approved devices.

002.02 Breath sample confirming tests shall be preformed by a breath-testing-device operator. Breath Testing Device operators shall have a valid Class B permit as set forth in 177 NAC 1. Application for Class B permits shall be made to The Department of Health and Human Services Regulation and Licensure on forms provided by the Department.

003 BLOOD SAMPLE CONFIRMATION TESTING OF POSITIVE FINDINGS OF ALCOHOL IN A PRELIMINARY SCREENING PROCEDURE.

003.01 The following scientific testing techniques are approved by the Department of Health and Human Services Regulation and Licensure for confirmatory alcohol testing on blood samples and preformed in accordance with the provisions of 177 NAC 1 for a respective approved method.

003.01A Headspace analysis for alcohol content in blood using a gas chromatograph and by following the technique in part 006.04A1 of 177 NAC 1. Automated Headspace analysis is an

approved modification of the technique.

003.01B Direct injection analysis for alcohol content in blood using a gas chromatograph and by following the technique in part 006.04A2 of 177 NAC 1.

003.02 Blood sample confirming tests shall be performed by persons having a valid Class A permit as set forth in 177 NAC 1, and shall be performed in a clinic, hospital, or laboratory licensed pursuant to the Federal CLIA provisions of 1967 with subsequent amendments, or by a laboratory accredited by the College of American Pathologists. Application for Class A Permits shall be made to The Department of Health and Human Services Regulation and Licensure on forms provided by the Department.

003.03 Approved methods as prescribed in 177 NAC 1 in parts 002.05 and 006 may be used for confirmation testing on blood samples when performed as specified in 003.02 above.

004 DRUG TESTING BY CONFIRMATION TESTING FOLLOWING A POSITIVE FINDING OF DRUGS IN A PRELIMINARY SCREENING PROCEDURE.

004.01 The following scientific testing techniques are approved by the Department of Health and Human Services Regulation and Licensure for the purpose of confirming preliminary positive findings by preliminary screening procedures:

004.01A Gas chromatography with a mass spectrometer detector.

004.02 The scientific testing techniques shall be performed in a clinic, hospital, or laboratory licensed pursuant to the Federal CLIA provisions of 1967 with subsequent amendments, or a laboratory accredited by the College of American Pathologists.

Approved by the Attorney General:

Approved by the Governor:

Filed with the Secretary of State:

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